



# Director's Rule 1-2004

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The Fee Subtitle, Chapter 22.900 of the Seattle Municipal Code, prescribes fees for various permits, reviews and inspections. This rule provides clarification for the following sections of the Fee Subtitle.

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**I. Rule 20-2002 Rescinded**

**Rule**

Director's Rule 20-2002, Implementation of the Fee Subtitle is rescinded by this rule.

**II. Refunds**

Applicants may request a refund of fees at any time before their application is cancelled or their permit expires.

The Director may notify applicants and permit holders that an application will be canceled or a permit will expire. In conjunction with this notice, the Director shall offer the applicant an opportunity to request a fee refund. If the request is not made within 30 days of the date of the notice, and if the application is cancelled or the permit expires, the applicant or owner will no longer be entitled to a refund.

Payment of a refund will result in cancellation of the application or permit. The amount to be refunded, if any, will be determined by the Director according to the Fee Subtitle.

**III. Revisions of Applications**

Section 22.900B.060 of the Fee Subtitle reads as follows:

**Revisions and additions to applications.**

A. According to standards promulgated by the Director, the Department may assess an additional fee for the plan examination of previous designs when a subsequent redesign of a project is submitted prior to permit issuance. The revision fee shall be assessed at the hourly rate not to exceed the fee that would have been charged for the original design. The total fee is the fee for the final design plus the revision fee.

B. The Department may assess a fee in addition to fees already charged for the original permit if the applicant makes an amendment to an existing unexpired or reestablished permit. The applicable fees will be assessed for all work necessary to process the amendment, including Seattle Transportation or Seattle Public Utilities review associated with the submitted amendment.

Section 22.900D.010 paragraph G of the Fee Subtitle reads as follows:

**Development Permit Fees.**

G. Revisions to Issued Permits. Fees for revisions to issued permits shall be charged according to standards promulgated by the Director that approximate the additional cost of reviewing the revisions. A nonrefundable fee of one times the Base Fee shall be paid at the time the revisions are submitted.

## Rule

The following guidelines shall apply to the assessment of plan revision fees.

A. It is the policy of the Department:

1. To encourage design modification during the environmental review process to mitigate adverse impacts.
2. To recover costs of time spent on the examination of plans which the applicant decides, independent of the Department's requirements, to substantially revise necessitating re-examination.
3. To charge revision fees in a consistent manner where they are applicable.

B. Definitions:

1. **Major Revisions** - Major revisions which may be subject to a revision fee include:
  - substantial changes in the scale of the structure;
  - substantial changes in the structural design, such as changing from wood frame to reinforced concrete;
  - change in the type of construction;
  - changes in occupancy that require extensive changes to the construction and life safety design of the structure;
  - moving the structure on the site, resulting in a totally new layout;
  - a totally new design.
2. **Minor Revisions** - Revisions which do not meet the above definition for Major Revisions.

C. Standards:

1. Revision fees will be assessed differently depending on whether the plans have been completely approved (ready-to-issue or issued permits) or are still within the correction cycle.
2. The nonrefundable fee paid when revisions are submitted will be subtracted from the total amount owed calculated according to this Rule.
3. Revision fees will be determined according to the following table.

Revisions submitted:	Extent of Revisions	
	Minor	Major
<b>Before permit is approved for issuance</b>	No fee	Hourly for time spent on previous designs, but no more than the estimated plan review fee for the highest-valued of the previous designs plus the development fee based on the value of the final design.
<b>After approval, but before issuance</b>	The greater of (1) the fee for the additional value or (2) the hourly fee for the time spent on the revision.	Hourly for the plans examination time spent on the original design plus the development fee based on the value of the final design.
<b>After issuance</b>	The greater of (1) the fee for the additional value or (2) the hourly fee for the time spent on the revision. No fee will be charged for minor revisions approved in the field.	New permit is required.

4. Revision fees will not be assessed for changes in direct response to correction requirements. However, if the scope of the changes far exceeds the requirement of the correction, a revision fee will be assessed.
5. For Land Use review of a Master Use Permit application charged at an hourly rate, modifications to building size, location or design during the review process will be charged at the same hourly rate. An additional revision fee for zoning review may be assessed at the hourly rate if the revision far exceeds the requirement of the correction.
6. Major revisions, as defined above, may require a new permit or may require extensive rerouting. The Manager of the Plans Examination Section should be consulted to help in this determination.
7. There will be no refund of the plans examination fee paid when major revisions occur after issuance of the permit.

#### IV. Alterations and Repairs to Existing Buildings

Section 22.900D.010 provides that alterations and repairs to existing buildings be charged on a valuation basis. This rule establishes a general basis for determining the value of the project where the value as specified by the applicant for the cost of alteration or repair work does not appear reasonably accurate.

##### Rule

The fees for alterations and repairs to existing buildings shall be based on the value of construction as set forth in Section 22.900D.010. In general, the value specified by the applicant will be used to calculate the fee. However, if the value appears understated, the value shall be determined by using Table A below.

The Department shall determine the value of new construction which cannot be computed by the gross floor area, such as towers, retaining walls, foundations, repair of a beam, or addition of a stair. This value shall be the full estimated cost of all labor and materials whether actually paid for or not, and may be based on information submitted by the applicant.

Prior to the issuance of a permit, the applicant may submit evidence of the actual value of labor and materials, such as contracts or bid documents, to the Department. The Department may rely on this evidence to determine the value of construction.

**Table A**

Extent of Alteration	% of Building Valuation Data Figure <sup>1</sup>	Definition <sup>2</sup>
Minor	20%	Cosmetic work - refinishing walls, ceilings, floors; minor mechanical, electrical, plumbing; no structural work.
Medium	40%	Addition or removal of some walls or extensive construction of partitions; projects with more involved mechanical, electrical, plumbing work, such as residential additions or renovations of bathrooms and kitchens, commercial replacement of major HVAC components or of ceiling grids; refinishing of many existing walls, ceilings, floors; replacement of substantial portions of the glazing systems if a major portion of the project; moderate projects may include minor changes to the exterior envelope or structural systems

<sup>1</sup> Calculated valuation for new construction of the area per SMC 22.900D.010.

<sup>2</sup> The extent of alteration includes one or more of the elements in the definition. The floor area affected shall be calculated on the entire areas of the rooms where alterations are proposed. If a project has areas for which it is reasonable to distinguish as being of different categories, it is appropriate to calculate the areas separately to develop the DPD value.

Major	60%	Addition or demolition of many walls; installation of new glazing systems in conjunction with major remodeling; upgrade of structural systems in some portions to receive increased loads in limited areas or structural repair of significant elements in limited areas. Significant upgrades to mechanical, electrical and plumbing systems in conjunction with significant refinishing of surfaces.
Full	80%	Demolition of all non-structural portions leaving a structural shell; installation of new or substantial replacement of electrical, mechanical systems in conjunction with significant changes in room configuration; significant structural upgrading to meet seismic requirements, or other substantial structural renovation, extensive structural repair.

## **V. Building Valuation Data**

### **Background**

Section 22.900D.010.C specifies that the Director shall determine the value of construction for which a permit is issued. It further specifies that building valuation data from the International Conference of Building Officials (ICBO) as published in "Building Standards" and other valuation criteria approved by the Director will be used to determine the value of construction. The International Conference of Building Officials has merged into the International Code Council (ICC), and ICC is providing the services previously rendered by ICBO, including compiling building valuation data (BVD).

The BVD is updated periodically to adjust for changes in the average cost of construction for the various occupancies and types of construction. Beginning on January 1 of each year, the Department will use updated BVD tables. This will assist the Department in keeping its fees more in line with market changes. Using current BVD should also help the Department avoid the need to make large incremental changes in valuations that can occur when a cycle or two of BVD updates has been skipped. Since 1998, it has been the Department's policy to use the most recent BVD to determine the value of construction.

ICC recommends that regional modifiers be used to adjust the BVD. The Department has not used ICBO's regional modifier in the recent past, but ICC's modifier will be used for 2004.

The BVD tables published by ICC include a suggested methodology for establishing a permit fee multiplier. DPD will continue to use its own methodology, and will not follow ICC's.

### **Rule**

The BVD published by the International Code Council shall be used to determine the value of construction according to Section 22.900C.010. Beginning on January 1 of each year, the most recent BVD will be used for the year. The ICC BVD will be used starting on the effective date

of this Rule. The modifier of 109% recommended by ICC for the State of Washington will be used.

The following will be used to provide additional guidance in determining the value of construction.

**A. General**

The permit fee for new construction and additions (*i.e.*, new floor area) shall be based on the value as determined by the plans examiner using the BVD.

**B. Occupancies and Types of Construction**

The BVD is based on occupancy categories and types of construction used in the International Building Code. Valuation for a building will be based on the BVD category the building most resembles. Chapter 3 of the International Building Code may be used for additional guidance in determining the appropriate occupancy and construction type.

**C. Structures not Classified in an Occupancy**

For small structures which are not normally listed as an occupancy, the valuation for the occupancy which most closely resembles the proposed construction shall be used.

**D. Alterations**

In general, the fee assessed for alterations of existing floor area, retaining walls, towers, foundations of phased permits, etc. will be based on the value stated by the applicant. Refer to Part IV of this rule and DPD Guideline G3810 for additional information.

**E Gross Area**

"Gross area" of a building project means the total area of all floors, measured from the exterior face, outside dimensions or exterior column line of a building, including basements, cellars and balconies, but not including unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, or covered decks in multifamily residential or commercial construction, the exterior wall of the open side or sides shall be assumed to be the edge of the roof.

**F. Structures Accessory to Group R-3**

Structures accessory to Group R-3 buildings, such as carports, decks, piers, and floats will be valued as Group U. Fees for uncovered structures and unenclosed areas shall be computed using one-half the gross area of the structure times the cost per square foot.

**G. Uncovered Structures and Unenclosed Areas**

The fee for uncovered and unenclosed structures such as carports, service station canopies, plazas, piers, docks, platforms, multifamily residential and commercial decks, commercial floats, roof parking areas, and similar uncovered usable structures shall be computed using one-half the gross area of the structure times the cost per square foot of the appropriate occupancy and construction category.

## **H. Buildings of More Than Three Stories of Types I-F.R., II-F.R., IA and IB Construction**

The building valuation will be modified for buildings of Types I-F.R., II-F.R., IA and IB construction exceeding three stories of the following occupancies:

- a. Groups R-1 and R-2
- b. Banks
- c. Hospitals
- d. Medical offices
- e. Offices
- f. Public buildings
- g. Public garages, both enclosed and open
- h. Group M

For those occupancies, the total building valuation determined by the BVD per-square-foot values shall be modified by a factor CM, where:

$$CM = CB [1 + .005 (S - 3)]$$

CB = Total value of the building based upon floor area and costs per square foot as specified in the Table.

S = Number of levels in the building from the top of the foundation.

CM = Modified value based on 0.5% increase above.

## **I. Sprinkler and Mechanical Systems**

No charge for air conditioning or sprinkler systems will be added to the building value. Mechanical permits will be charged permit fees and plan review fees of 100% of the DFI according to Table D-2 of the Fee Subtitle. The same fee will be charged for building permits regardless of whether the permit includes mechanical or sprinkler systems.

## **VI. Accessory Mechanical Spaces**

### **Rule**

New floor area housing mechanical spaces shall be assumed to have the same dollar value per square foot as the occupancy to which they are accessory. If the mechanical space is accessory to multiple occupancies, the valuation of the largest occupancy shall be used.

## **VII. Establishing Use for the Record**

When a use is to be established for the record, application materials are sometimes routed to be checked for compliance with the appropriate edition of the Seattle Building Code (SBC).



In Section 22.900D.010, Table D-2 establishes the development fee for establishing use for the record. This rule clarifies how the amount of the fee will be determined.

Note that a Land Use fee will be charged according to Section 22.900C.010, Table C-1 in addition to the development fee.

### **Rule**

When an application for establishment of use that does not include construction work is routed for Building Code review, the permit fee is one and one-half times the base fee, and no plan review fee will be charged.

When the routed application does include construction work, the applicant will be charged a permit fee of 100% of the DFI plus a plan review fee of 100% of the DFI.

Even if the construction is of the type and extent that is typically approved subject to field inspection, the applicant will be charged a fee based on the value of the construction.

Regardless of the outcome of Building Code review, the Land Use fee will be charged.

## **VIII. Land Use Fees**

### **A. General Development Plan**

#### **Rule**

The General Development Plan (GDP) fee shall be applied to the Northgate GDP and to Major Phased Development. The General Development Plan fee shall be applied to any Northgate GDP plans reviewed prior to removal of the GDP code requirement.

### **B. Zoning-only Review**

The fee for zoning review is part of the hourly Land Use fee. This rule clarifies the fee that is charged for review of permits that require only zoning review.

#### **Rule**

Permits which require only zoning review shall be charged a minimum land use review fee of \$500.00, and shall be charged \$250.00 per hour for review hours in excess of two.

### **C. Master Use Permit — Fee for Review Prior to Application**

The Fee Subtitle authorizes the Department to charge for land use review performed prior to the time the permit application is completed. This rule clarifies the time and amount of payment of fees for review conducted prior to application.

Section 22.900C.010.E states "In addition to the fees set in Table C-1, review time required on a project prior to, or in lieu of, an application will be charged hourly as determined by the Director".

Footnote 11 to Table C-1 states "The pre-application conference fee covers a one hour conference. Additional pre-application review time will be charged at the hourly rate."

The design review process and the Department review time for applications undergoing design review begin prior to the time the application is submitted. Review for other types of projects may also occur prior to MUP application, most often though not always, for those projects for which a pre-application conference is held. The hourly fees will include, among other things, time spent after a preapplication conference, and time spent reviewing incomplete permit application materials.

### **Rule**

At the time of complete Master Use Permit application, the applicant shall pay accrued hourly fees for land use review in excess of those included in the minimum land use fee.

The amount due at application is the minimum land use review fee, minus amounts paid prior to application, plus hourly fees for review conducted prior to application.

### **D. SEPA Review of Tree and Vegetation Removal**

According to 22.900C.010, SEPA review of applications for tree and vegetation removal in Environmentally Critical Areas is a Type B land use review. The fee for Type B land use review includes a 10-hour minimum fee. The Director has determined that review of tree and vegetation removal applications usually takes far less time, and a reduction in the minimum fee is therefore appropriate.

### **Rule**

The minimum fee SEPA review of applications for tree and vegetation removal in Environmentally Critical Areas is \$500. This fee covers two hours of review time. The fee for additional review time is \$250 per hour. The cost of publication of notices will be charged in addition to the minimum fee.

### **IX. Noise variances**

The fee for technical or economic noise variances as set forth in 22.900F.020 and Table F-2 includes an hourly project review fee. This rule clarifies what costs are covered by the hourly fee.

## **Rule**

The hourly project review fee includes, but is not limited to, time spent by Department staff reviewing application materials, attending public meetings and monitoring compliance with the terms and conditions of the variance if one is granted.

### **X. Peer Review**

Section 22.900B.020 gives the Director authority to recover costs of miscellaneous services. This rule establishes the amounts that will be charged for one of those services.

## **Rule**

When the Director determines the Department needs additional plan review expertise to ensure public safety in development projects with unusual design features, the applicant shall reimburse the Department for direct costs incurred in hiring the necessary consultants.

### **XI. Site Review**

Table D-SR of Section 22.900D.145 provides for fees for post-issuance site inspection and other review at \$150.00 per hour times the minimum number of inspections. It also provides that the minimum number of inspections will be determined according to a Director's Rule.

## **Rule**

The fee for post-issuance site inspection and other review provided for in Table D-SR shall be determined according to the table below.

<b>Post-Issuance Site Inspection and Other Review<sup>1</sup></b>			
<b>Type of Site</b>	<b>Minimum number of inspections (in hours of inspection time)</b>	<b>Minimum hours of additional review</b>	<b>Total hours</b>
1. Sites where temporary erosion control is required	1	0	1
2. Sites in Environmentally Critical Areas, other than liquefaction-prone and abandoned landfills, with special inspection	3	1	4
3. Sites with excavation deeper than 12 feet with shoring	3	2	5

<sup>1</sup> This table sets forth minimum numbers of hours. Time in addition to the minimums may be charged at \$150.00 per hour.

## **XII. Standard Plans and Factory-Built Structures**

Items 7 and 8 of Table D-2 specify the fees for standard plans and for factory-built structures. This rule clarifies how those fees are to be applied. The rule applies to (1) applications for approval of a factory-built structure, and (2) applications for approval of a standard plan that includes a factory-built structure.

### **Rule**

#### **A. Factory-built Structures**

The fee for factory-built structures is a permit review fee of \$150.00 and a plan review fee of \$150.00. In addition, a building fee calculated according to item 1 of Table D-2 shall be charged for the foundation and accessory structures.

For HUD-approved factory-built housing (housing bearing a "Red Seal"), the fee for the foundation shall not be charged.

#### **B. Standard Plans that Include a Factory-built Structure**

1. The fee for establishment of a standard plan that includes a factory-built structure shall be calculated according to the following.

(1) A permit fee of 100% of the DFI for the standard plan (Table D-2 item 7a), plus \$150.00 for the factory-built structure (Table D-2, item 8). The DFI shall be based on the value of the foundation and accessory structures only.

plus

(2) A plan review fee of 100% of the DFI for the standard plan (Table D-2 item 7a). The DFI shall be based on the value of the foundation and accessory structures only. No plan review fee for the factory-built structure will be charged for the application to establish the standard plan.

2. The fee for a permit to build according to the standard plan shall be calculated according to the following.

(1) A permit fee of 100% of the DFI for the standard plan (Table D-2 item 7c) plus \$150.00 for the factory-built structure (Table D-2, item 8). The DFI shall be based on the value of the foundation and accessory structures only.

plus

(2) A plan review fee of 40% of the DFI for the standard plan (Table D-2 item 7c) plus \$150.00 for the factory-built structure (Table D-2, item 8). The DFI shall be based on the value of the foundation and accessory structures only.

3. For standard plans that include HUD-approved factory-built housing (housing bearing a "Red Seal"), the fee for the foundation shall not be charged.

### **XIII. Temporary Occupancies**

The Fee Ordinance has a fee for review of permits for temporary structures and temporary uses, but it does not have a fee for review of permits for temporary occupancies. This Rule establishes such a fee.

#### **Rule**

The fee for permits for temporary occupancies is two times the Base Fee plus \$150 per hour for review time in excess of two hours. SMC 22.900B.010 sets the Base Fee at \$150.

The fee set forth in row 15 of Table D-2 "Temporary structures, such as commercial coaches; renewal of permits for temporary structures" will be charged in situations where the occupancy of the temporary structure has been previously established.

The fee set forth in row 17 of Table D-2 "Temporary use permits" will be charged for review of applications for temporary land uses.

### **XIV. Address Changes**

According to 22.900B.020, the fee to correct the address on an application or an issued permit is \$40. This Rule establishes the fee for address changes unrelated to an application for a permit or for an issued permit.

#### **Rule**

The fee for address changes unrelated to an application for a permit or for an issued permit, is as follows:

1-4 affected properties	2 x Base Fee
5-8 affected properties	4 x Base Fee
8+ affected properties	6 x Base Fee
Commercial sites with multiple buildings or tenants	6 x Base Fee